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4 **UNITED STATES DISTRICT COURT**  
5 **DISTRICT OF NEVADA**

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8 TIMOTHY CALABRESE,  
9 Plaintiff,  
10 v.  
11 KILOLO KIJAKAZI, Acting Commissioner of  
Social Security,  
12 Defendant.

2:23-cv-00386-VCF

**ORDER**

[Motion/Application for Leave to Proceed in  
forma pauperis (ECF No.1)]

13 Before the court is Plaintiff Timothy Calabrese's Motion/Application to Proceed *In Forma*  
14 *Pauperis* (ECF No. 1).

15 **I. In Forma Pauperis Application**

16 Plaintiff challenges the Social Security Administration's denial of Social Security Disability  
17 Insurance benefits.

18 Plaintiff asserts in his application to proceed *in forma pauperis* that he receives \$338.00 in food  
19 stamps and no other income. *Id.* Plaintiff has submitted the declaration required by 28 U.S.C. § 1915(a)  
20 showing an inability to prepay fees and costs or give security for them. Accordingly, Plaintiff's request to  
21 proceed *in forma pauperis* is granted pursuant to § 1915(a).

22 Effective December 1, 2022, the Federal Rules of Civil Practice were amended to add  
23 Supplemental Rules for Social Security Actions under 42 U.S.C. § 405(g) except to the extent that they  
24 are inconsistent with the Supplemental SSA Rules. The highlights of the new Supplemental Rules are as  
25 follows:

- Outlines specific information that must be included in the complaint;
- Eliminates the need for service under Fed. R. Civ. P. 4, and provides for electronic service on the Commissioner of Social Security by Notice of Electronic Filing sent to the SSA's Office of General Counsel and the United States Attorney's Office for the district where the action is filed;
- Provides that the administrative record may serve as the answer to the complaint and must be filed within 60 days of the receipt of notice of the action; and
- Provides a briefing schedule for the plaintiff's brief (30 days after answer), Commissioner's brief (30 days after plaintiff's brief) and plaintiff's reply brief (14 days after Commissioner's brief).

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Application for Leave to Proceed in forma pauperis (ECF No. 1) is GRANTED.

IT IS FURTHER ORDERED that Plaintiff's Complaint (ECF Nos. 1-1, 1-2) will proceed against Defendant.

IT IS FURTHER ORDERED that Plaintiff shall familiarize himself with the Supplemental Rules for Social Security Actions Under 42 U.S.C. § 405(g) found in the Federal Civil Judicial Procedure and Rules 2022 Revised Edition. As stated above, these Rules pertain to service (Rule 3), the answer, motions and timing (Rule 4), and the motion, response and reply brief (Rules 6 through 8).

DATED this 16th day of March 2023.



CAM FERENBACH  
UNITED STATES MAGISTRATE JUDGE